

REMARKS

This paper responds to the non-final Office Action that was mailed January 3, 2007, in which the Examiner rejected all pending claims 1-37. No claims have been amended. Accordingly, claims 1-37 remain pending. Applicant requests reconsideration in view of the following remarks.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected each of the pending independent claims 1, 12, 16 and 27, as well as dependent claims 2-6, 8-9, 13-15, 17-21, 23-24, 28-32 and 34-35 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,356, 909 to Spencer (“Spencer”) in view of U.S. Patent Application 2002/0046081 (“Albazz”). In addition, the Examiner rejected the remaining dependent claims 7, 10-11, 22, 25-26, 33, and 36-37 under 35 U.S.C. § 103 as being unpatentable over Spencer and Albazz, in view of other references.

Applicant submits that each of the pending independent claims 1, 12, 16 and 27 defines subject matter that is patentable over the cited references, whether alone or in combination, and asks for the Examiner's reconsideration.

The Examiner, in the present Office Action, contends that “Spencer discloses the invention substantially as claimed,” but “does not disclose compliance rules.” (Office Action page 2). While Applicant agrees that Spencer fails to disclose compliance rules in and of themselves, Spencer also does not disclose or suggest much more that is recited in Applicant's claims, as was argued by Applicant previously. For example, Spencer does not disclose or suggest, as recited in Applicant's independent claim 1, “user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule,” or 2) “user input specifying the particular compliance rule of a plurality of pre-defined compliance rules.”

The significance of the above-quoted claim language can be appreciated with reference to Applicant's Figure 9A, which shows a plurality of compliance rules that a user can select - a discard rule, a weighting rule, a processing rule, and a order of precedence rule. As is also

shown in Figure 9A, the user is also able to select one of several response attributes to be used with the selected compliance rule. Thus, Applicant's claimed subject matter provides for flexibility in selecting the appropriate compliance rule type of several types and associating that with one of the response attributes. Additionally, the ability to configure how responses will be processed, by providing for the selection of one of a plurality of pre-defined compliance rules and then providing for the selection of the response attribute that the rule will be applied to, makes it easy and intuitive for a user, without any programming experience, to set up an on-line request for proposal.

In addition, the Examiner did not address Applicant's previously advanced argument that Spencer fails to disclose or suggest, as recited in Applicant's independent claim 1, "specifying a particular response attribute of a plurality of response attributes." In particular, Applicant submits that the "answers to questions" disclosed in Spencer cannot be the claimed "response attributes." The Examiner's position is contrary to the usage of the phrase "response attributes" and "response attribute data" in the claim (note the last element of claim 1 on the latter claim phrase of "response attribute data"). In other words, the claim term "response attribute" refers not to an answer to a question, but rather refers to an attribute in the database sense for which a respondent may provide attribute "data." For example as disclosed in Applicant's specification, a response attribute may be a "supplier location" or a "material ID" (see FIG. 9A), whereas data for these attribute may be, respectively, Arlington, VA and #57194. As such, the "response attribute" is not the information provided by a respondent or bid submitter, but rather is the type of information that is set up to be collected. Thus, while the claimed "response attribute data" referred to in the last element of claim 1 may constitute answers to questions, the response attribute itself cannot be met by the answers to questions shown in Spencer.

In addition to Spencer's shortcomings discussed above, Spencer also does not disclose or suggest, as is also recited in Applicant's independent claim 1, "using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule." Indeed, Spencer cannot disclose the use of a compliance rule when Spencer does not disclose a compliance rule in and of itself.

Albazz does not cure the many deficiencies of Spencer. Albazz is concerned with contract generation, and discloses “a system and method for generating and recording a contract and for workflow control of contractual activities within parameters set by the contract.” (Paragraph 0001). A “Business Rules Book (BRB) maintained by an administering organization contain[s] a set of rules from which specific rules may be selected for inclusion in the contract.” (Paragraph 0015). “The seller selects a Terms and Conditions Set from a plurality of stored [sets], each representing a unique set of Instances of rules selected from the BRB.” (Paragraph 0015).

Albazz, for example, does not disclose or suggest, as recited in Applicant's independent claim 1, the previously mentioned limitations absent from Spencer of “user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule,” and 2) “user input specifying the particular compliance rule of a plurality of pre-defined compliance rules.” In addition, Albazz does not disclose or suggest, as recited in Applicant's independent claim 1, “using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule.”

The Examiner's contention that “Albazz teaches the use of compliance rules for requests and bidding” misses the mark. First, as discussed above, Spencer is missing much more than the Examiner has acknowledged is missing from Spencer. In addition, even if one were to identify something disclosed in Albazz as being the presently claimed compliance rule, Albazz does not disclose or suggest, as set forth in each of Applicant's independent claims, “user input specifying the particular compliance rule of a plurality of pre-defined compliance rules.” Indeed, there are no plurality of pre-defined compliance rules in Albazz, and no specifying of a particular one of the plurality of pre-defined compliance rules. Further yet, Albazz does not disclose any “compliance rule” that is used in the manner recited in Applicant's claims. In particular, as already mentioned, Albazz does not disclose or suggest, as recited in Applicant's independent claim 1, “using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule.” Indeed, the “Ts&Cs Set”

described in Albazz cannot be the claimed "compliance rule" because they are not used to evaluate any response attribute data, as Applicant's claims require of a compliance rule.

Accordingly, independent claim 1, defines subject matter that is patentable over Spencer in view of Albazz, as do its dependent claims. In addition, independent claims 12, 16 and 27 are also patentable for the reasons discussed above in connection with claim 1, as are their respective dependent claims. The references cited by the Examiner in rejecting some of the dependent claims also do not provide the missing teachings.

As such, Applicant asks that the Examiner withdraw the obviousness rejections of claims 1-37.

CONCLUSION

Applicants submit that claims 1-37 are in condition for allowance, and requests that the Examiner issue a notice of allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.


Applicant : David Wong
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Examiner is authorized to charge Deposit Account No. 06-1050 \$1,020 for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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Stephen R. Schaefer
Reg. No. 37,927

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696